

6. Jurisdiction of the claim against defendant John Harris lies with this Court pursuant to the Supplemental Jurisdiction Statute, 28 U.S.C. § 1367(a) in that the claims against both John Harris and the United States of America are based upon negligent operation of a motor vehicle, and in the event defendant John Harris was not an employee of the Government while acting within the scope of his office or employment while operating the vehicle then said defendant is jointly and severally liable with the United States of America. Therefore, the claims against both defendants arise from the same case or controversy and this Court has supplemental jurisdiction over the claim against defendant John Harris.

7. Plaintiff filed her Federal Tort Claims Act claims herein asserted, with the United States Postal Service, within two years of the negligent conduct herein complained of. The United States Postal Service acknowledged receipt of the claims on June 17, 2022. A copy of the acknowledgement is attached as Exhibit A.

8. By September 22, 2022, the United States Postal Service had neither accepted nor rejected Plaintiff's claim and pursuant to 28 U.S.C.A. §2675(a), Plaintiff elected to consider the failure to act as a final denial of Plaintiff's claim.

COUNT ONE – NEGLIGENCE

9. Plaintiff incorporates by reference the allegations of paragraphs 1 thru 8 as though fully set forth herein.

10. On or about August 11, 2020, Plaintiff was operating her white Kia Sorento northbound in a parking lot in Joplin, Jasper County, Missouri.

11. On the above-mentioned date and time, Defendant John Harris was operating a postal service vehicle eastbound in the same parking lot.

12. Defendant Harris was at all times herein concerned acting as an employee of the

United States Postal Service.

13. Defendant Harris failed to yield and collided with the driver's side of Plaintiff's vehicle.

14. The United States Postal Service, its agents and employees in general, and John Harris, in particular, negligently:

- a. Failed to exercise the highest degree of care while operating a motor vehicle, as aforesaid
- b. Failed to prevent his motor vehicle from colliding with Plaintiff's motor vehicle, and
- c. Failed to slow, slacken speed, swerve, or sound a horn in time to avoid a collision

15. The negligence of the United States Postal Service, its agents and employees in general, and John Harris in particular, directly caused or directly contributed to cause Plaintiff Angela Parmley to sustain bodily injury, pain and suffering to her left wrist, left hand, left thumb, right shoulder, neck, right hand and right thumb. Plaintiff has incurred expenses for medical care and will incur additional expenses in the future. As a result of her injuries, Plaintiff continues to have pain, suffering, emotional and physical distress, loss of enjoyment and quality of life, and inconvenience. Plaintiff also incurred damages to her vehicle.

16. Under the Federal Tort Claims Act, the United States of America is liable to Plaintiff for the damages occasioned to Plaintiff by reason of the negligence of the United States Postal Service, its agents and employees.

WHEREFORE, Plaintiff Angela Parmley prays for judgment against defendants, jointly and severally, for compensatory damages in the amount of \$150,000.00, or alternatively, in such

sum as is fair and reasonable, and for such other and further relief as to this Court may seem fit and proper in the premises.

Respectfully Submitted,

JOHNSON, VORHEES & MARTUCCI

By: /s/Anna Pace

Anna Pace, MO Bar No. 69321

Roger Johnson, MO Bar No. 48480

510 West 6th Street

Joplin, Missouri 64801

(417) 206-0100

(417) 206-0110 (fax)

anna@4stateslaw.com

roger@4stateslaw.com

Attorneys for Plaintiff